

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	No. CR 1:18-03495-001 JCH
)	
vs.)	
)	
DOUGLAS D. SMITH,)	
)	
Defendant.)	

**DEFENDANT'S UNOPPOSED MOTION
TO EXTEND DEADLINE TO FILE RESPONSES AND REPLY**

Douglas D. Smith, by and through undersigned counsel Amanda R. Lavin, moves the Court to extend the deadline for filing responses to the United States' Notice of Intent to Introduce Evidence Pursuant to Fed. R. Evid. 404(b) (Doc. 67), the United States' Motion in Limine to Admit Use of Demonstrative Exhibit During Trial (Doc. 73), and reply to the United States' Response to Defendant's Motion to Suppress Evidence (Doc. 72), until August 7, 2020. In support of this motion, Mr. Smith states:

1. The current deadline to file all responses and replies is July 29, 2020. (Doc. 81).

2. Undersigned counsel needs additional time to file the above-named responses and reply.

3. A recent outbreak of COVID-19 in the Cibola County Correctional Center has resulted in a significant demand on undersigned counsel's time. There are over 200 cases of COVID-19 within the Cibola facility, several of whom are clients of undersigned counsel.

4. Undersigned counsel has been acting as "duty attorney" for the federal defender's office during the week of July 27, 2020, which has also placed a significant demand on counsel's time.

5. As such, counsel has had insufficient time to finalize the above-named responses and reply that are currently due, and requires additional time to finalize the file the responses and reply.

6. In addition, undersigned counsel requires more time to confer with Mr. Elsenheimer, who is currently out of state and unavailable.

7. Should the court grant the requested continuance until August 7, 2020, the parties respectfully request the court grant an extension of time for the government to reply to the defendants' responses, until August 21, 2020.

8. Counsel for the government, Novaline Wilson, does not oppose this motion.

WHEREFORE, Mr. Smith, by and through undersigned counsel, respectfully requests that this Court extend the deadlines as discussed above.

Respectfully Submitted,

FEDERAL PUBLIC DEFENDER

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/s/ Amanda R. Lavin

/s/ Aric G. Elsenheimer

Assistant Federal Public Defender